

Justice and Reconciliation as Social Recognition: A Reading from *The Spirit of Christianity and Its Fate* of Hegel and Its Update in Axel Honneth

Justiça e Reconciliação como Reconhecimento Social: Uma Leitura do *Espírito do Cristianismo e seu Destino* de Hegel e sua atualização em Axel Honneth

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Abstract: Our research reflects on the passing of a justice model linked to moral law imputes, positive punishment for non-compliance, for a model that reconciles justice. Following this line of thought, we add the contributions of Axel Honneth, according to which the establishment of a normative principle of justice must provide guidance for political action. This was only made possible to the extent that such principles are allied to social practices. By analyzing the *Spirit of Christianity and its Fate*, an early work of Hegel, we intend to verify the relevance of the concept of justice, for the design of the hegelian attack on the positive law and subsequent defense of ethics as reconciliation and fullness of life. From the understanding of justice as reconciliation in Hegel we approach that which underlies the reconstruction of social practices as Honneth understands.

Keywords: Justice; Reconciliation; Society; Law; Recognition.

Resumo: O presente texto reflete sobre a aprovação de um modelo de justiça vinculado a imputações da lei moral, punição positiva pelo descumprimento, por um modelo conciliador de justiça. Seguindo essa linha de pensamento, consideramos as contribuições de Axel Honneth, segundo as quais o estabelecimento de um princípio normativo de justiça deve fornecer orientação para a ação política. Isso só foi possível na medida em que tais princípios são aliados às práticas sociais. Ao analisar *O Espírito do Cristianismo e seu Destino*, que foi um dos primeiros trabalhos de Hegel, pretendemos verificar a relevância do conceito de justiça para o esboço do ataque hegeliano ao direito positivo e a defesa subsequente da ética como reconciliação e plenitude de vida. A partir da compreensão da justiça como reconciliação em Hegel, abordamos o que está subjacente à reconstrução das práticas sociais, como Honneth entende.

Palavras-chave: Justiça; Reconciliação; Sociedade; Direito; Reconhecimento.

Introduction

It is in the social relations permeated by the dialogue that justice

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will be established in society. Therefore, there is a way of justice linked to law that divides, but a justice that, beyond formalism and positivism of law that separates promotes reconciliation in love. Justice understood as love is based on social practices. For this reason, justice linked to strict compliance of the law, attests that Hegel in his *Spirit of Christianity and its Fate*, does not meet the objectives for which it proposes. It is therefore a righteousness that remains strange, distant from the people concerned.

We present in this survey a route through *The Spirit of Christianity and its Fate* by the motions of the dialectic and the vital point, so that the notion of legal justice can be superseded in the new notion of justice reconciled in love. Such a culture permeated by Christian ethos, transgresses the limits of positive religion and a policy that keeps the differential Christian ethical.

A policy based on the reconstruction of the social practices derives from the recognition that decreases the distance between theory and praxis of justice policy. Christianity is presented in order to overcome the particular sphere, converge in public, as well as a Christian political ethics. The proposed constitution of a hegelian justice as reconciliation in love does not approach justice in Honneth founded in social relations, based on the recognition?

Here is the text that follows, in three parts. The first is an outline of the phenomenological notion of justice, evident that *The Spirit of Christianity and its Fate* of Hegel and Honneth have some approximation as a meeting of notions of reconciliation and social practice. The second presents obstacles to the establishment of justice in the role of positive law and the centralized state, and finally the third part reflects on the justice founded on the concept of reconciliation in love and how it approaches the right to recognition as a result of practices of members.

1. The immediacy of the Christian ethics: the society

We begin our reflection of a Christian ethos that in addition to phenomenal, has a rationale and a political implication, marked by the transition from the private sphere and strange to the public sphere and reconciled - the Christian legacy in history.

The practices of the early Christians who were once private, reserved to the catacombs and remote places, escaping the hostile empire, were gradually gaining hegemony within civil and political practices when rights and duties had been recognized publicly. These same rights and duties arose from a positive religion to elevate themselves to a political and introduced institutionalization elements contrary to the social contract of the state.

The primacy of the individual to be imposed on the community originates positivist legalism that prevents freedom. In this sense, the

Christian ethos is stated as an individual initiative, but held in the world of social and political relations with these and reconciles a full unity.

Thus, the focus of Hegel in politics, is to ensure independence and freedom by individuals and nations. Therefore, part of Greek mythology, is marked by the experience of peoples and plural gods, through Jewish monotheism, marked by the worship of the one God and the law that segregates the Jewish people as the chosen people.

For Christianity Jesus' practice, which seeks to overcome the barrier of individualism is a return to the element of the Greek polis, involved in Christian ethics. Therefore, according to Caterina Deligiorgi, it is "[...] an ethic that emphasizes the context, history, community, and the roles and relationships that give substance to our moral life."² And these are relationships that are being constructed as social practices that serve as the basis for the establishment of justice.

Thus, determining what is right starts from, by Axel Honneth, "[...] social practices that inform us about the respect for justice."³ It is acting in a company that builds the sense of what is just or unjust, not simply granting this task to the State. The moral life that exceeds the limits of the formalism of positive law. It implies a political community that without this policy implication, results in leveling promoted by anarchist movements, because the leveling leads to crystalization of vital provisions and again to the positivism of the law, both in the Church and in the State.

By this way the positivity is taken only in part, and among the Shamans of Tungo with church and state ruled by the Mongolian or European prelates with the Puritan and the [man] who obeys the command of duty. The difference is that those became servants and they would be free. This becomes so completely outrageous that the content should get the commandment of universal duty, a duty given, in contradiction to be both limited and universal, and that makes the way of universal will for sidedness pretension (Hegel, ECD, TWS, 1994, p. 323).

The resulting positive law of moral Christianity must be overcome, as has consequences for the social and political life. Having to analyze the fate of Judaism, Hegel shows that the Jews have not reached the status of citizens by the fact of staying in the position of dependence on their "[...] legislator invisible [...] and citizenship, which is the condition of all policy, held that reliance"(Hegel, EJ, TWS, 1999, p. 290). However, this same addiction

² Cf. DELIGIORGI, 2011, p. 23

³ Cf. HONNETH, 2009, p. 345

has maintained the Jewish people constant to their strange God, as Christianity eventually incurring from the early Christians. Thus, both Juddaísmo like Christianity become positive religions, which also occurred in the political sphere with the central state. Therefore, the only religion that presents an ethics that exceeds positive legalism is that which Jesus founded.

Jesus appears as an immediacy. His presence, however indeterminate and original, is decisive for the establishment of an ethical model with substantial policy implications. His life and work, for the more original and immediate that show in its infancy, is a fact, a universal to assume the high points of life - *Lebenshöhepunkte*. Such vital culmination is reached through his practice inaugurated from his way of being unique, candid and free. For this undeniable reason, the effects of the practice of Jesus, with their simple appearance, pure and original influences on policy.

The attack of Jesus on the political life of a particular people, accustomed to an established order, as a formula and a doctrine meant that the last vestige of political existence was shaken from its foundations. With this shock, we are witnessing the birth of a new modality in ethical life: no more accustomed to hierarchy and the law, but the singular existence that is experienced in the world of social relations and practices. However, to ensure autonomy there should be "(...) normative foundations that require a legal guarantee."⁴ The principles thus developed based on justice are guidelines for political action. However, what we see is that the principles are built in such a way that they become impossible to derive from their political action.

Being bound by a positive law, for this reason being the move towards the destruction of the positivism of law, it acquires the flexibility to serve as a basis for political action and engagement. This difficulty we attribute not only to the distance between theory and praxis as Honneth understands⁵, but especially by the positivism of the principles of justice. This same positivism that Hegel has found in the laws governing both Judaism and Christianity of Jesus's followers.

As recalls Otto Pöggeler, to oppose the world the Christian religion is also apolitical, it cannot do what is best for Hegel - to be the soul of a people composed of free men⁶. In other words, there is a separation between the political and social: "The politician can only be adequately separated from the social with the advent of revolutionary or centralized monarchical states, which were clearly distinct from the social

⁴ HONNETH, 2009, p. 346.

⁵ HONNETH, 2009, p. 347.

⁶ Cf. PÖGgeler, 1985, p. 17

life of their subjects.⁷" Jesus acted as a true revolutionary⁸ to the extent that this was a break with the established order up until then. As much as this shows through resentment on the part of Jesus, it ultimately reveals the insertion of politics into religion, to the extent that the policy itself as Christian practice is unique.

For this reason, both Hegel and Nietzsche recognize the spirit of Christianity as a singularity, real and effective, which may be corrupted by historic structure to become positive, so that God becomes strange and moralizing. That same problem Jesus once criticized in Judaism. What are the consequences of positivism of faith to historic Christianity and justice that can be seen?

2. From the legal externality to the moral commandment: the institutions

Hegel attacks that law which remains external, disconnected from reality, without reference to the human. "Jesus reacted against that law, that we call laws for different considerations, whether moral or civil. At this point, they express natural relations of men in the form of commandment" (Hegel, ECD, TWS, 1994, p. 321).

However, the law is required in regard to normalization of life in human society. Through it, human relationships are nuanced, skittled and sorted according to a live that is minimally consensual. Here it is that one gets a philosophical theory of justice that goes and serves and serve as a basis for political action. That human, raw and immediate, cannot remain closed in itself, but should, leaving you, come into confrontation with the external, (i.e. social relations skittled).

So, apart from himself, the human denies that which, until then, was judged to be correct, just and true. He denies certain prejudices that will give room for a reflective distance. In this sense, the law plays an important role in helping humans to live in relationships. It call us, therefore, to question the nature of moral commands and their compatibility with the finite human agents.

The rational moral law finds expression in many types of human practices, namely the relationship between morality and reason, freedom and nature, metaphysics and history, which has, in the figure of Jesus, one emblematic example. Jesus is the one who does not revoke any point of law, but gives it its sense of fullness to reconcile it with the human agents as people aware of their collective nature and at the same time, individual

⁷ Cf. INWOOD, 1997, p. 295

⁸ According to the Hegelian interpretation of Jesus is one that recognizes and reconciles with the target to take it, but that does not mean neither accommodation nor resignation.

and subjective,

[...] a people is a concrete embodiment, a realization of the individual spirit, is both a totality and individuality. The impossibility of love - living bond and supra-individual - to extend indefinitely, was felt profoundly by Christ, whose freedom to keep and maintain the absolute integrity of its purity, turned out to be a freedom in the void.⁹

From the point of view of political centralization the danger is that the weight standards, represented by state action, cannot preclude that other dimensions of life, beyond the state, are achieved for justice: "The danger of such state centralization, is clearly in the fact that everything is out of reach of the legal power that constitute the state surprisingly be unattainable by the demands of justice."¹⁰ "On the contrary justice should extend its field of action in all spheres of society so that the normative dimension that it demands be realized to redraw the diversity of people.

So that the law should update a particular people, should be open to provide an organic totality in his meeting and update the different peoples and cultures. It is in the relationships among people that in the law as a fixed asset translates into a mutually shared well. "None of these prerequisites has the form of a fixed asset, they can not simply be 'owned' as 'things', but must be laboriously acquired in and through relationships between people."¹¹

This same confusion in the relationship between people and things is part of reality that can be seen from the Church and Christian ethos. Peter Hodgson says that in the fate of Jesus and the Church, there is an unresolved contradiction between the truths of the gospel and the demands of the external world. For this reason "[...] spiritual freedom imagined by the gospel cannot be updated in the ethical and political reality"¹² because the impermeability of the law that is clear from the transmission of the Christian legacy prevents it from being absorbed in different cultures, which results in employing it as strange or is simply denied. The fate of the Christian spirit ends up falling in that same issue of Jewish estrangement from God in the law, for their inflexibility prevents the encounter with the differences represented by nature, by the other gods and nations.

The fate of Christianity becomes an institutionalized religion, not in that original spirit of its founder, but in that of his successors. It is a

⁹ Cf. HYPOLITE, 1983, p. 46.

¹⁰ Cf. HONNETH, 2009, p. 351.

¹¹ Cf. HONNETH, 2009, p. 353.

¹² HODGSON, 1997, p. 59.

Christianity founded on a set of empty moral laws which, in its modern expression, puts the individual under the weight of divine command morality. The path, for Hegel, is to overcome this individualism, expression of moralism, which is in living in society.

As an expression of an ethic of mutual respect, society brings elements of contractualism and naturalism: a subject of rights and duties as a reconciled unity in ethics as Butler writes, "Hegel designates this ideal of harmony ethics *Sittlichkeit* by the German term, which he contrasts with 'morality' based on private conscience. The ethical individual who participates in the life of the polis is guided by institutionalized rules in practice"¹³.

Beyond morality linked to the imperatives of individual life, ethics concerns the life of the community, social customs¹⁴ and lived practices. The ethical life is a problem deduced "a priori" the notion of freedom, thus a problem inherited by Kant, which represents, again, the synthesis of freedom and nature, between virtue and autonomy, so that they exceed the dimensions of individual morality to take the policy in its practical and instituicinal dimension as recalls Douglas Moggach "[...] the concept of autonomy has to be related not only to morality itself, but the political institutions and practices [...] from [...] the distortions of the effects of private interest."¹⁵

In ethics the different events are recognized by the agents as actions that contribute to the understanding of their freedom. Therefore, it is necessary that the principles of justice be an expression of the common will of all social agents in order to ensure "[...] each other the same freedoms of subjective action." These freedoms are the unique ethos, which necessarily involves social life: the place of confrontation between subject and object.

Then, with the removal of this sovereign and distant vision of God, Christianity begins to settle down, as a religion of the heart, so that the law can be seen if it deepens singular ethos as a practice in which justice can be done, a '[...] consciousness, a sense of ardent life and destiny,' love the fact "'¹⁶. This dismissal is involved in overcoming a type of Christianity based on the authority of the moral law. The institution, looking beyond the law and morality that surpasses the bad conscience is the promotion of justice? As justice, as uniqueness of life open and full in the reconciliation of love and culmination of life: *Lebenshöhepunkte* has its

¹³ Cf. BUTLER, 1977, p. 92.

¹⁴ In the Philosophy of Right Hegel treats this time of ethicality as composed by the family, civil society and the state.

¹⁵ MOGGACH, 2011, p. 182.

¹⁶ MOGGACH, 2011, p. 26.

strongest expression in the law?

3. From the reflexivity of ethos to the fullness of love: the Law¹⁷

The ethos as the one most immediate reality that, having passed through the denial of self is reconciled as love, is constituted as self-reflective unity, therefore, far from determinism it is open to fully closed, as becoming. Thus, it is no longer a reality crude and immediate, nor a moral and positive externality, but a reconciled reflexivity as a whole, the "[...] love, which becomes aware before the altar of a quarrel, [...] leaves no measure by the judge, but reconciles himself without any regard to the law "(Hegel, ECD, TWS, 1994, p. 328).

The institution which culminates in the law¹⁸ is one that is not attached to the positive aspect of it, but excels in ethos, in a single practice. Through this overshoot one finds apparent freedom¹⁹ which demands differences, fundamental to the opening of creating life that deepens to its most climactic. In the social and political institution, the force that reconciles the culmination of the differences is in the form of law. Thus, the Legal reconciliation does not act as an equal mass, but as a unit that excels and saves the differences in an organic whole. So that the parties involved in the social recognize each other in their differences and thus build the freedom and autonomy: "[...] to learn, through recognition by other people who understand us as beings whose needs, beliefs and skills are worthy of being carried.²⁰". For it is only mutual recognition between subjects that autonomy is built. Therefore secured the recognition

¹⁷ The law is treated here as a moment of reconciliation between the destiny and the law, the right goes beyond the moral, as a place of mediation; unlike the *Philosophy of Right* (No. 134-5) which is the subject of law as law abstract, systematically in three dialectical moments: Law, Morality and ethics. Moreover, this text of *Philosophy of Right* is a classic text about the critique of Hegel to Kant's moral.

¹⁸ While in later texts of Hegel, say those of Iena forwards, there is a thematization of natural law, understood as the identification of the absolute and sacrifice: "[...] the sacrifice of the Absolute is a part, presented as the denial in which he opposes such a destination that differs in himself and of himself, and elsewhere described in terms that evoke the thematization Christian "gives the impression that this issue is a development of previous writing, those of Frankfurt" [...] texts frankfurtians on the Spirit of Christianity and its destination precisely opposed the reunion from one destination to Man-God - and for the Christian community - the absolute life. (BOURGOIS, 1986, p. 449).

¹⁹ The history of the state for Hegel is the story that embodies and develops the story of liberty, whereas, for Nietzsche, the history of freedom is nothing but the masking of human desires.

²⁰ Cf. HOHHETH, 2009, p. 263.

of differences of which the law demands.

Law it implies unequal social relations that excel in eagerness to establish unity in singular differences which assures the privilege of every single individual. The law results in a privilege which states the unique ethos beyond the law, as in the minds of Cristianity. Jesus announces, through their practice, the existence of laws to be accompanied by justice, it rises beyond the positivism of law, reconciliation between "[...] slope with the law by which this law loses its shape; this agreement of slope is the πληρπμα of law, a being who, as can be expressed in another way, is an additional possibility, because possibility is the objective as one thought, one universal "(Hegel, ECD, TWS, 1994, p. 326).

Through reconciliation in love, Jesus leaves the fate of Jewish "[...] live eternally separated from God and men, because, by reflection, designed his ideal beyond themselves and because in the separated life [...] Jesus came to reconcile his people with life, with love.²¹" Therefore Jesus takes his own destiny: the fate of destinations, love, which is life in its fullness. In practice, Jesus makes morality and obedience to a law opening to infinite life in love, through a singular ethic expressed as law that safeguards the joyful acceptance of fate.

The right is required to be established "[...] the creation of just social relations [...] enable all subjects also a form of self-determination that allows them to be as independent of their interaction partners as possible.²²" The involvement of all subjects in the social relations of which require a political action unit reveals just what love is. Social practices are lived in unity and wholeness.

These social practices that result in love are the synthesis of subject and object and the resulting loss of their opposition to reconciliation between the two, which applies reconciliation between law and inclinations. In practice, Jesus reconciles the separate parts by the estrangement of law in love, which is the spirit of reconciliation:

[...] being [is] the synthesis of subject and object, in which subject and object have lost their position, even as each trend, a virtue, is a synthesis in which the law (to which Kant always appoints a goal) loses its universality and likewise the subject loses its particularity; - both lost objection, since in this opposition remains Kantian virtue one becomes dominant and dominated the other (Hegel, ECD, TWS, 1994, p. 326).

²¹ Cf. HYPPOLITE, 1983, p. 50, 51.

²² Cf. HONNETH, 2009, p. 349.

The spirit of reconciliation, as preached by Jesus, ensures the differences stored in all plurality, in which nothing escapes their joyous welcome. This is expressed, according to Herman Siemens, not in one "[...] contract quiet, but in a violent conflict and domination²³" in an organic nature beyond a moral ideology that often lurks behind democratic values in function of establishing universal rights. But I would say yes: in function to establish a law that hoards the plurality of organic provisions in all plurality, as the practice of Jesus was guided to open to the plurality of peoples and nations. Given this notion of law as organic totality open to reconcile the plurality in a fullness, the opponent is no longer a stranger to become someone who recognizes the other in their differences, but an individuality that maintains differences, as noted by William Connolly, a "[...] pluralism and an ethos of engagement that puts graceful preliminary conditions of possibility for each other."²⁴

In the practice of life that establishes social relations of recognition elevates the law to its fullest, the sense of unity that makes humans commit all their forces to reach the fullness of life, its ethos: that is the culmination of force. The most genuine spirit of Christianity can be seen in a practice of life that declares reconciliation and unity, which demands social and political justice, and its expression in law. In this sense, the culmination of this strength is in the love that is recognition of the other in their differences and not in the possession of wealth. Otherwise, the view of wealth as an end in itself, opposed to love, accentuates objective externality and therefore divides.

This is one of the destinations in which Christianity has incurred; "Property is a destination, a death, objectively speaking, that resists the fulfillment of love."²⁵ Thus, while the moral law and property tend to separate, Christian ethics tends to unite the love so as to enable social justice policies. And these are established in that which is mediated by decreasing the distances between theories of justice and political praxis, it promotes corporate social where those involved are recognized for their qualities and to be granted that normative gear formerly reserved only to the exercise of the centralizing state.

Conclusion

The individual is reconciled with the law in that he does not find it, as a reality hostile to him, but to be one with him, who is the fullness of life. There is no way to destroy something that does not destroy it completely, so the relationship established between crime and punishment

²³ Cf. SIEMENS, 2008, p. 04

²⁴ Cf. CONNOLLY, 2008, p. 138

²⁵ Cf. CRITES, 1998, p. 118

is a strange relationship, by the imputation of a formal duty that awakens a sense of passive resignation and impotence. The law, in the form of law that reconciles the particular to the universal, is able to restore the integrity and fullness of life. For all the action that comes from life, there is a whole with it, and even crime comes as a whole.

The apparent universality whereby it presents the instance of positive law, or that just creeps in front of the special individual in law has a bond of reconciliation, a reconciliation that, far from abandoning oneself to a positive and formalist universalism and individualism, opens to a singularity vitalist ethic. It is in the practice of Jesus that we have a concrete way: that practice of the true Christian who is presented as an indeterminate immediacy, so free, it is not only possible, but is necessary to live. This practice, to rise beyond legalism empty and strange, corresponds to fidelity to life, so the ultimate freedom to give up everything to save, promotes social relations from established action that allow just policy. Through this practice it becomes feasible to resume the reconciliation of friendship and love as universal law and order, at a level that does not require others to have their rights violated. That is the level of law that overcame the conflict between morality and law, "[...] in Hegel's conception, morality and law cannot, ultimately, conflict: a moral critique of current social and legal provisions seldom, or never, is appropriate or reasonably sustainable.²⁶"

Morality and Law reconciled, involve the field of life; hostility turns into friendship and fate dissipates. Otherwise personal hatred born of a lack caused to an individual develops the rigorous observance of duty as a violation of the moral commandments. Those that feed this hatred staff refuse to give and receive forgiveness and to be reconciled to a destiny. However, those who tolerate in others and in themselves, despite the laws, everything that is and has, establishes union for love as obedience to the law, not as mere resignation to it, but with the inclusion of her life, an entire whole. Social relations, the recognition of differences, builds autonomy: "[...] it is composed of living relations of reciprocal recognition.²⁷" Life in its fullness reconciled enhances political actions grounded in righteousness: "[...] where we recognize each other as free and equal citizens and thereby attain the consciousness of our political autonomy.²⁸" The political autonomy that Honneth proposes approaches that of proposed Christian ethics, with regard to that sphere which does not act as a strange force, as a punishment that presents itself as something to judge allocate some misconduct, but a destination that assumes the

²⁶ Cf. INWOOD, 1997, p. 105.

²⁷ INWOOD, 1997, p. 105.

²⁸ INWOOD, 1997, p. 358

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